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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Plow	Art Unit: 3622
Serial No.: 09/922,201	Examiner: Lastra
Filed: August 2, 2001	**STL9-2000-0037-US1**
For: **SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR SELECTIVELY DISPLAYING INTERNET ADVERTISEMENTS**	November 14, 2004 750 B STREET, Suite 3120 San Diego, CA 92101

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

In response to the Office Action dated November 3, 2004, the following remarks are submitted. Claims 1-5, 8-16, 19-26, and 29-31 have been rejected under 35 U.S.C. §101 allegedly for reciting non-statutory subject matter, because, although admittedly reciting a concrete, tangible, and useful result, these claims allegedly recited "no structural limitations" and hence "are not within the technological arts". But Claims 1 and 30 recite a computer-implemented method, which is acceptable under MPEP §2106. A computer-implemented method is statutory subject matter when, as the examiner has ***three times*** admitted on the record is the case here, the claim recites a concrete, tangible, and useful result. Note that the preamble of Claims 1 and 30, both of which recite statutory computer-implemented methods, are tied to the respective claim bodies by the recited "advertisements" in both.

All pending claims with the exception of dependent Claims 10 and 21 have been rejected under 35 U.S.C. §102 as being anticipated by Rakavy et al. (USPN 5,913,040), and Claims 10 and 21 have been rejected under 35 U.S.C. §103 as being obvious over Rakavy et al. in view of Smith (USPN 6,615,248). Of relevance to the present rejections is the allegation that all independent claims are taught by Rakavy et al. at col. 3, lines 1-44 and at col. 9, line 14 through col. 10, line 12, without further elaboration.

The allegation is incorrect. Nowhere do the relied-upon sections of the reference teach or suggest advertising channels, much less allowing a user to choose a channel from a menu presenting plural advertisement channels as recited in, e.g., Claim 1. Instead, as the relied-upon portions of Rakavy et al. themselves make clear, Rakavy et al. enables a user to choose particular categories of advertisements but not from an advertisement history window. Indeed, Rakavy et al. explicitly points to "dialog boxes" as the only particularly specified method of entry, col. 10, lines 10-12.

Further, in Rakavy et al., once the desired categories of advertisements are selected, the user is more or less finished. The advertisements get downloaded during dormant periods and presented "politely" if automatically to the user (the entire of point of Rakavy et al.) when, for instance, the user has not input anything for a while as indicated by the triggering of a screen saver. There are no apparent channels at all in Rakavy et al., advertising or otherwise, as evidenced at col. 3, lines 15-25 (the advertisements may be downloaded from a Web server on a single channel, or the entire database of advertisements is stored on a CD-ROM).

Applicant's prior arguments regarding the impropriety of combining the references as proposed are incorporated herein to preserve them should an appeal become necessary.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

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